



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

July 6, 2017

VIA EMAIL ONLY

Mr. David Weber
Beveridge & Diamond, P.C.
1001 Fourth Avenue
Seattle, Washington 98154
dweber@bdlaw.com

Re: Draft Administrative Settlement Agreement and Order on Consent for Pre-Remedial Design Baseline Sampling; Portland Harbor Superfund Site, Portland, Oregon

Dear Mr. Weber:

On behalf of the Office of Environmental Cleanup, U.S. Environmental Protection Agency, Region 10 (EPA), I am forwarding a draft Administrative Settlement Agreement and Order on Consent (AOC) and Statement of Work (SOW) to begin negotiations with you, your client and the parties known as the Pre-RD group for the performance of pre-remedial design baseline sampling and cost reimbursement at the Portland Harbor Superfund Site.

Consistent with the Record of Decision signed on January 3, 2017, the action proposed in the AOC is needed to update existing site-wide data; begin long-term trend analysis data gathering; refine the delineation of Sediment Management Areas to begin the remedial design process; and collect data to facilitate completion of the third-party allocation amongst potentially responsible parties.

Included in the draft AOC are provisions for reimbursement of Oregon Department of Environmental Quality (ODEQ) and Tribal Response Costs for the ODEQ and Tribal Governments' costs incurred in reviewing, commenting and coordinating with EPA on the work to be performed under the agreement. By encouraging direct funding in our Administrative Settlement Agreements, EPA seeks to facilitate the participation of ODEQ and the Tribal Governments in cleanup decision-making at the Portland Harbor Superfund Site.

It has been determined that the special notice procedures set forth in Section 122(e) of the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA) are not

necessary to facilitate reaching agreement. 42 U.S.C. § 9622(e).

Therefore, EPA anticipates finalizing this agreement within sixty (60) calendar days of this letter. To that end, please provide any requested changes or revisions to the draft AOC and SOW for EPA's review within fourteen (14) days of receipt of this letter and its attachments. We believe this timeline is consistent with the schedule proposed by the Pre-RD group and is necessary to further timely remedy implementation at the Site.

EPA is happy to meet to discuss the draft AOC and SOW with you during the next 60 days. You can reach me to talk or set up a meeting at (206) 553-0774 or by email at ebright.stephanie@epa.gov. Thank you for your attention to this matter.

Sincerely,

/S/

Stephanie Ebright
Assistant Regional Counsel

Attachments

cc: Sean Sheldrake, ECL
Davis Zhen, ECL
Lori Cora, ORC
Portland Harbor Legal Coordinating Team